

60,469-228; OT-5184

REMARKS

This paper is responsive to the non-final Office Action mailed October 26, 2007 in the present application. Claims 1-11 are pending. Claims 1, 5 and 8 have been amended and Claim 12 has been added.

The Examiner has objected to the drawings and specification. Applicants respectfully submit that the present amendments to the specification obviate the Examiner's objections thereto.

The Examiner has objected to claims 5-7 but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 has been amended as suggested by the Examiner and is submitted as allowable. Claims 6 and 7, which depend directly or indirectly from Claim 5, are also submitted as allowable. Claim 8, which has been amended to correct minor errors, and Claim 9, both of which depend from Claim 1, are each submitted as patentable for at least the same reasons as set forth below with respect to Claim 1,

The Examiner has rejected Claims 1-4 and 8-9 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Tsai et al. (U.S. Patent No. 4,570,755) in view of Oplinger (U.S. Patent No. 2,874,806). According to the Examiner, the Tsai et al. reference discloses an elevator system having a digital landing computer and describes a control system including a motor (29), speed control system associated with the car (5) and counterweight (11) that controls movements of the car and counterweight under at least some conditions. The Examiner has acknowledged that Tsai et al. do not teach a drag element or drag controller. The Examiner has argued that it would have been obvious to combine the elevator control system including magnetic drag regulator taught by the Oplinger patent with the speed control system of Tsai et al. in order to provide an easily adjustable system to accommodate different operational requirements and handle a wide range of speed and drag.

Applicants respectfully submit that neither the Tsai et al. patent nor the Oplinger patent teach an elevator system as claimed in amended Claim 1. In particular, Tsai et al. teaches an electronic speed control system for smoothing the movement of an elevator car during the landing mode. The landing computer controls movement of a car based on the location of the car

60,469-228; OT-5184

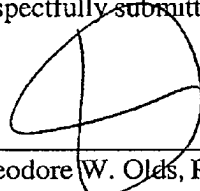
relative to a selected landing. Oplinger teaches an elevator system with a magnetic drag regulator that controls car movement based on the displacement of the car from the floor on which it is to be stopped and the direction of such displacement. However, as noted by the Examiner with respect to claims 5-7, the prior art does not disclose, teach or fairly suggest having a drag element or drag controller that controls drag based on height.

The amendment to claim 1 more clearly defines Applicants' invention and distinguishes it from the prior art. In particular, neither the Tsai et al. patent nor the Oplinger patent meet the limitations now required that a control controls the amount of drag between the car and the counterweight through a drag element to control movement of the car and counterweight under "at least some conditions" that include the car having a different vertical position in the system relative to the counterweight.

New dependent claim 12 makes clear that the control is controlling the drag element to ensure that a vertically lower one of the car and counterweight is provided with a lower drag than the vertically higher of the car and counterweight. This claim is allowable for the additional reason that this specific feature is also not shown in the prior art.

Applicants gratefully acknowledge the Examiner's indication that Claims 10-11 are allowable. Applicants submit that claims 1-12 are allowable, and all rejections and objections have been overcome. An indication of such is solicited.

Respectfully submitted,



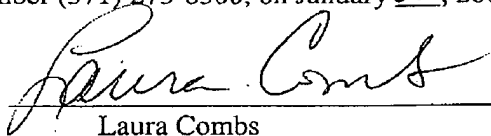
Theodore W. Olds, Reg. No. 33,080
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: January 25, 2008

60,469-228; OT-5184

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (571) 273-8300, on January 28, 2008.



Laura Combs